

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**MEGHAN DEVRIES,**  
**individually and on behalf of all others**  
**similarly situated,**

**Plaintiff,**

**V.**

**ULTA BEAUTY, INC.,**

**Defendant.**

**Case No. 1:18-cv-01219**

**Hon. Charles R. Norgle**

## **ULTA BEAUTY, INC.'S MOTION TO REASSIGN AND CONSOLIDATE**

Defendant Ulta Beauty, Inc. (“Ulta Beauty”), by and through its undersigned counsel, respectfully moves to reassign related case *Ogurkiewicz v. Ulta Beauty, Inc.*, No. 1:18-cv-02445 (the “Ogurkiewicz Action”), currently pending before Judge Manish S. Shah, to this Court and consolidate it with the above-captioned action. In support thereof, Ulta Beauty states as follows:

1. The Ogurkiewicz Action is a copycat suit that mirrors the allegations and claims pending before the Court in the above-captioned case (the “DeVries Action”). (*See* No. 1:18-cv-01219, Dkt. 1-3; No. 1:18-cv-02445, Dkt. 1-3.) As detailed in Ulta Beauty’s contemporaneously filed Memorandum in Support, both plaintiffs allege that Ulta Beauty has a policy or practice of reselling returned used beauty products, both seek to represent the same national and Illinois-specific classes and subclasses,<sup>1</sup> and both assert the same Illinois common-law and statutory claims.

<sup>1</sup> The Ogurkiewicz Action also asserts one additional subclass consisting of certain Ultimate Rewards members.

2. Accordingly, and as explained more fully in the accompanying Memorandum in Support, the Ogurkiewicz Action is related to the DeVries Action for purposes of Local Rule 40.4. *See* LR 40.4(a). Furthermore, in light of the substantially identical legal and factual issues raised in the two cases, and the fact that both actions are at the same stage of litigation, reassignment of Ogurkiewicz Action would: (1) result in a substantial saving of judicial time and effort, (2) not meaningfully delay the DeVries Action, and (3) permit disposition of both cases in a single proceeding. Thus, reassignment of the Ogurkiewicz Action to Judge Norgle is appropriate. *See* LR 40.4(b). Plaintiff in the Ogurkiewicz Action has agreed to extend deadlines in that case pending this Court's ruling on this Motion to Reassign. (*See* Ogurkiewicz Action, No. 1:18-cv-02445, Dkt. 9.)

3. In addition to reassigning the Ogurkiewicz Action, the Ogurkiewicz Action and the DeVries Action should be consolidated under Federal Rule of Civil Procedure 42. As explained by the Seventh Circuit, consolidation of closely related cases is "by far the best means to avoid wasteful overlap," as it would allow for efficient motion practice, discovery, and trial preparation without causing delay in either case. *See Blair v. Equifax Check Servs., Inc.*, 181 F.3d 832, 839 (7th Cir. 1999).

WHEREFORE, for the reasons set forth above and in the accompanying memorandum in support of this motion, Ulta Beauty respectfully requests that *Ogurkiewicz v. Ulta Beauty, Inc.*, No. 1:18-cv-02445, be reassigned to this Court and consolidated with the above-captioned matter.

Dated: April 6, 2018

Respectfully submitted,

/s/ Craig C. Martin

Craig C. Martin

Illinois Bar No. 6201581

Matt D. Basil

Illinois Bar No. 6242487

Paul B. Rietema

Illinois Bar No. 6300671

Jenner & Block LLP

353 N. Clark Street

Chicago, IL 60654-3456

cmartin@jenner.com

mbasil@jenner.com

prietema@jenner.com

Telephone: (312) 222-9350

Facsimile: (312) 527-0484

*Attorneys for Ulta Beauty, Inc.*

**CERTIFICATE OF SERVICE**

I, Paul B. Rietema, an attorney, certify that on this 6th day of April, 2018, a copy of the foregoing *Ulta Beauty, Inc.'s Motion to Reassign and Consolidate* was served via e-mail and first class mail to:

Patrick V. Dahlstrom  
pdahlstrom@pomlaw.com  
Louis C. Ludwig  
lludwig@pomlaw.com  
POMERANTZ LLP  
10 South LaSalle Street, Suite 3505  
Chicago, IL 60603  
Telephone: (312) 377-1181

Gustavo F. Bruckner  
gfbruckner@pomlaw.com  
Samuel J. Adams  
sjadams@pomlaw.com  
POMERANTZ LLP  
600 Third Avenue, 20th Floor  
New York, NY 10016  
Telephone: (212) 661-1100  
Facsimile: (212) 661-8665

*Attorneys for Plaintiff and Putative Classes*

/s/ Paul B. Rietema  
*Attorney for Ulta Beauty, Inc.*